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Letter dated 25 January 2011 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 21 January 2011, addressed to you by Hilmi Akil, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly under agenda item 43, and of the Security Council.

(*Signed*) Ertuğrul **Apakan**
Permanent Representative

11-22189 (E) 030211

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Annex to the letter dated 25 January 2011 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to convey herewith a copy of the letter dated 21 January 2011 addressed to you by Hüseyin Özgürgün, Minister of Foreign Affairs of the Turkish Republic of Northern Cyprus (see enclosure).

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 43, and of the Security Council.

(*Signed*) Hilmi **Akil**
Representative
Turkish Republic of Northern Cyprus

Enclosure

It has come to my attention that the Greek Cypriot administration, which purports to be the "Government of the Republic of Cyprus" and the State of Israel have signed an agreement on the delimitation of the exclusive economic zone, on 17 December 2010 (see attachment). In this connection, I would like to bring the following to your kind attention.

It should be stated, at the outset, that the "Government of the Republic of Cyprus" has no legal or moral right or the jurisdiction to represent or act on behalf of the whole island or the Turkish Cypriot people whose sole legitimate representatives are those elected by the Turkish Cypriot people. The separate simultaneous referendums on the Comprehensive Settlement Plan conducted on 24 April 2004 further confirmed that there exist two equal peoples on the island, neither of which represents the other.

It would be untenable to claim that there is a single authority representing both peoples of the island, as any decision on the future of Cyprus, including a solution, clearly requires the consent of both sides and peoples. Moreover, the absence of a political settlement in Cyprus cannot justify the illegal Greek Cypriot claim to be the government of the "Republic of Cyprus" when it is, in fact, the Greek Cypriot side itself that dismantled the Constitution, violated international agreements and wrecked the binational set up, as a result of which an exclusively Greek Cypriot administration came into being. The Greek Cypriot side's unilateral activities regarding delimitation of maritime jurisdiction areas in the Eastern Mediterranean, before a comprehensive settlement on the island, undermine the fundamental rights and interests of the Turkish Cypriot people. It should be remembered that the Greek Cypriot administration had concluded similar agreements with Lebanon and Egypt which were objected to by the Turkish Cypriot side for the very reasons mentioned above.

There is no doubt that the Turkish Cypriot people, who were the co-founding partner in the 1960 Republic of Cyprus, have equal rights and jurisdiction on the natural resources of the island and the sea areas of Cyprus. Moreover, it is an established understanding in the negotiations, including the current process, that issues related to the delimitation of maritime jurisdiction areas of the island of Cyprus have been left to the discretion of the new partnership government, where Turkish Cypriots and Greek Cypriots will have an equal say.

The attempts of the Greek Cypriot administration to create a fait accompli in the Eastern Mediterranean through unilateral acts, such as negotiating and concluding agreements as regards the delimitation of the sea areas of Cyprus, continue to undermine stability in the Eastern Mediterranean region as a whole.

In view of the foregoing, the agreement signed by the Greek Cypriot administration under its purported capacity as the "Government of the Republic of Cyprus" is null and void and is not, in any way, binding on the Turkish Cypriot people or the island as a whole.

In concluding, I would like to reiterate our firm commitment to a comprehensive settlement of the Cyprus problem under your mission of good offices as well as the long-established United Nations framework and parameters. You clearly stated in your latest mission of good offices report dated 24 November 2010

(S/2010/603) that "the latest talks cannot be an open-ended process" and that "a critical window of opportunity is rapidly closing". Thus, we expect that the Greek Cypriot leadership finally focuses on the negotiating process and refrains from taking unilateral steps, which are detrimental to the efforts aimed at a comprehensive settlement.

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 43, and of the Security Council.

(*Signed*) Hüseyin **Özgürgün**
Minister of Foreign Affairs

Attachment

LEGISLATIVE ASSEMBLY
TERM: VII
YEAR: 3

DATE: 27 December 2010

DECISION NO: 106/3/2010
THE DECISION CONDEMNING THE AGREEMENT ON THE DELIMITATION OF THE EXCLUSIVE ECONOMIC ZONES SIGNED BETWEEN THE GREEK CYPRIOT ADMINISTRATION AND ISRAEL

The Turkish Republic of Northern Cyprus Legislative Assembly;

On 17 December 2010, the Greek Cypriot Administration of Southern Cyprus and Israel has signed an agreement delimiting the Exclusive Economic Zone in the Eastern Mediterranean. The agreement, aimed at exploiting natural gas and oil in the area, concluded in the absence of a settlement in Cyprus, is a unilateral agreement signed by the Greek Cypriot administration purporting to act on behalf of Cyprus and is legally and politically null and void as it only protects the rights of the Greek Cypriot people and ignores the fundamental rights and interests of the Turkish Cypriot people.

The partnership rights deriving from the Republic of Cyprus which was established as a partnership state in 1960 on the basis of the treaties of Establishment, Guarantee and of Alliance, have been unilaterally usurped by the Greek Cypriot Administration since 1963. This agreement, concluded on the basis of the Greek Cypriot understanding and its usurpation, is unacceptable.

The agreement signed between Israel and the Greek Cypriot Administration relates to issues which are subject to negotiations currently underway between the two leaders under the auspices of the United Nations. The said agreement is detrimental to the ongoing negotiating process as well as the Geneva meeting organized by the United Nations which will take place under the auspices of the United Nations Secretary-General Ban Ki-moon between 25-26 January 2011.

This unilateral initiative taken by the Greek Cypriots affects Turkey, a guarantor state under the 1960 Treaties of Guarantee and of Alliance, as well as the neighboring countries Syria, Lebanon and Egypt in terms of the principles of fairness and increases the political tension. Such an agreement will further aggravate the negative atmosphere prevailing in the island and undermine the efforts aimed at finding a settlement to the Cyprus problem. Such an economic asset should be taken up in a manner strengthening peace and cooperation rather than causing a conflict of interests between the two sides in Cyprus. This will contribute to an understanding which will bring peace and stability not only to Cyprus but the region as a whole.

In this regard, all the initiatives taken by the Greek Cypriot side in Eastern Mediterranean result in new and multi-dimensional political tensions and this in turn poses important potential risks for the region.

We condemn this and similar steps taken by the Greek Cypriot Administration and deem them unacceptable.